

REMARKS

Applicants acknowledge the Examiner's rejections and remarks, and respectfully request reconsideration of the present application and claims.

Formalities and Status of the Claims

The non-final Office Action mailed on February 4, 2004 rejected all claims (1-20) under 35 USC §102(e) in view of Kalajan (USPN 5,941,954) and/or under 35 USC §103(a) in view of Kalajan and the Edwards publication (1997) and/or under 35 USC §103(a) in view of Kalajan and Grate (USPN 5,956,483) and/or under 35 USC §103(a) in view of Kalajan and Fishler (USPN 5,941,959). Independent claims 1 and 11 have been amended. Claim 20 is canceled without prejudice or disclaimer. No new matter is added by the present amendment.

Rejections in View of Kalajan

Paragraphs 2-6 of the Office Action rejected claims 1-3 and 20 under 35 USC §102(e) in view of Kalajan. Applicants respectfully traverse this rejection, and present arguments below in support of this position.

Kalajan discloses rerouting of network communications from one port to another using a message redirection application 20. The message redirection application 20 is downloaded and executes on a client computer 10, and automatically monitors messages from a general purpose application 24 to carry out the redirection of the network messages. The message redirection application 20 further enables other message services (e.g., encryption, compression, logging) as part of handling the messages it redirects. See for example, Kalajan at col. 3, lines 40-64; col. 4, lines 6-11; col. 4, lines 49-53.

Kalajan therefore merely routes messages from a first port through another port on the client. Kalajan does not teach or suggest at least the claimed steps of "*determining whether the port of the client computer assigned to support the network protocol is blocked; on the local client computer, if the port of the client computer assigned to support the network protocol is blocked, intercepting communications in a first communication format from the process to the blocked port encapsulating the intercepted communications in the first communication format in a second communication format; and redirecting the encapsulated communications in the second communication format over an open port on the client computer compatible with said second communication format.*"

Accordingly, Applicants respectfully request that the rejections under 35 USC §102(e) in view of Kalajan be withdrawn and claims 1-3 be allowed.

Rejections in View of Kalajan and Edwards

Paragraphs 7-10 of the Office Action rejected Applicants' claims 4-5, 10-11, and 13-14 over an alleged combination of Kalajan and Mark Joseph Edwards (1997). Applicants respectfully traverse this rejection.

Edwards provides a narrative describing known security weaknesses in Microsoft's implementation of the SMB client software, and indicates that Port No. 139 is used for SMB.

Edwards merely discloses the existence of SMB Port 139, and the security weaknesses associated therewith on computers running the Windows operating system. This does not cure the underlying deficiencies discussed above in regard to the Kalajan reference, and thus dependent claims 4-5, 10-11, and 13-14 are patentable over the combination of Kalajan and Edwards, even if this combination were proper, for at least the same reasons as given for independent claims 1 and 11 above. Applicants therefore respectfully request that this rejection be withdrawn and that claims 4-5, 10-11, and 13-14 be allowed.

Rejections in View of Kalajan and Grate

At paragraphs 11-15, the Office Action rejected Applicants' claims 6-9, 12, and 15-17 under 35 USC §103(a) in view of a proposed combination of Kalajan and Grate. No motivation for combining Kalajan and Grate is provided in the Office Action. Applicants respectfully traverse the rejection in view of Kalajan-Grate, even if this combination of references was to be assumed to be proper.

Grate discloses the existence of HTTP Post format messages, and a technique for addressing the HTTP Post message to the IP address of the Local Host service along with a pre-selected TCP/IP port designation. Grate, col. 2, lines 13-37.

Dependent claims 6-9, 12, and 15-17 are patentable for at least the same reasons as independent claims 1 and 11, discussed above. No teaching or suggestion is made in Grate and/or Kalajan as to encapsulating communications over the first port into a format for communications over the open port as recited in Applicants' claims.

Appl. No. : 09/531,121
Amendment Dated : July 20, 2004
Reply to OfficeAction of : February 4, 2004
Page 7 of 8

Atty. Docket No. 111283.134 US1

Rejections in View of Kalajan and Fishler

At paragraphs 16-18, the Office Action rejected Applicants' claims 18-19 under 35 USC §103(a) in view of a proposed combination of Kalajan and Fishler. Applicants traverse the asserted combination as improper, and traverse the rejections based thereon.

Fishler discloses creating data descriptors and passing the descriptors among data sources and sinks, thereby avoiding copying the data among the data sources and sinks. Column 17, lines 42-53 are cited at paragraph of the Office Action. The cited section discusses generally creating and processing the data descriptors 560. A conclusory argument is made that Kalajan and Fishler could and would be combined by one of ordinary skill in the art, but no explanation, motivation, or other support is provided for why or how this combination would be made. Applicants therefore traverse the 35 USC §103(a) rejections based on the Kalajan-Fishler combination as improper, as not *prima facie* case exists for this combination or rejection.

Dependent claims 18 and 19 are patentable for at least the same reasons as given previously for independent claims 1 and 11 from which they depend. Furthermore, even beyond the reasons given in the independent claims, Fishler does not teach or suggest the "application descriptor file for coordinating actions between a client and a server" as recited in claims 18 and 19.

Therefore, Applicants respectfully request that the rejections under the asserted Kalajan-Fishler combination be withdrawn and the claims be allowed.

CONCLUSION

Independent claims 1 and 11 have hereby been amended and are believed to patentably distinguish over the art of record. Early and favorable consideration of the claims by the Examiner is hereby requested.

If the Examiner believes there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned is respectfully solicited.

Applicants request that the period for responding to the outstanding Office Action be extended for three months' time. The Commissioner is hereby authorized to charge the required fee of \$475 for filing the request for extension of time to Deposit Account, No. 08-0219. No

Appl. No. : 09/531,121
Amendment Dated : July 20, 2004
Reply to Office Action of : February 4, 2004
Page 8 of 8

Atty. Docket No. 111283.134 US1

other fees are believed to be due with this response. However, please charge any fees which may become due or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

For Applicants

Date: July 20, 2004

By: Ibrahim M. Hallaj
Ibrahim M. Hallaj
Reg. No. 51,768

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-5053
Facsimile: (617) 526-5000